

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

MARIO CORTES-ALVAREZ, )

Defendant. )

Case No.: 2:24-cr-00091-GMN-EJY-1

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 31), from United States Magistrate Judge Brenda Weksler, which recommends a declaration that Mr. Cortes-Alvarez is mentally incompetent to proceed with trial and that he should be committed to the custody of the Attorney General to be hospitalized for treatment to determine whether there is a substantial probability that he will attain the capacity to move ahead with the proceedings.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been

1 filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

2 Here, the parties filed a Joint Notice of No Objection to the Magistrate Judge’s Order  
3 and R&R. (*See* Notice, ECF No. 32).

4 Accordingly,

5 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 31), is  
6 **ACCEPTED and ADOPTED** in full.

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8 Dated this 20 day of August, 2024.

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12 Gloria M. Navarro, District Judge  
13 United States District Court  
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